

June 10 1953

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In reply refer
to L/E

611.944/6-453

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My dear Mr. Fisher:

Reference is made to your letter of June 4, 1953 in which you request confirmation of your understanding that the Treaty of Friendship, Commerce and Navigation between the United States and Japan, which was signed at Tokyo on April 2, 1953, does not relate in any manner to the questions of copyright.

You are advised that your understanding in this respect is correct and that, as the Department stated in its letter to you of May 6, 1952 regarding the treaties of friendship, commerce, and navigation with Colombia, Denmark, Greece, and Israel, the treaty of amity and economic relations with Ethiopia, and the agreement supplementing the treaty of friendship, commerce and navigation with Italy, which are currently before the Senate Foreign Relations Committee, the draft treaty with Japan does not relate to copyright matters.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY [Signature] DATE 9-30-82

Sincerely yours,

XDS ☐ or XDS ☐ EXT. DATE _____
IS AUTH. _____ REASON(S) _____
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED ☐ RELEASABLE ☒
RELEASE DENIED ☐
PA OR FOI EXEMPTIONS _____

Herman Phleger
The Legal Adviser

Mr. Arthur Fisher,
Register of Copyrights,
Copyright Office,
The Library of Congress.

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JUN -4 1953

Metzger

June 4, 1953

L-387
Mr. Herman L. Phleger
Legal Adviser
Room 4264
Department of State
21st & Virginia Ave., N.W.
Washington 25, D. C.

Reply drafted 6/6/53
LEGAL ADVISER

JUN -8 1953
St. P. File
DEPARTMENT OF STATE

Dear Mr. Phleger:

On April 2, 1953, there was signed at Tokyo a treaty of Friendship, Commerce and Navigation between the U. S. and Japan. This treaty appears similar in many respects to treaties ratified within the past few years with Uruguay, Ireland, Colombia, Greece, Israel, Ethiopia, Italy and Denmark. In connection with these ratified treaties, the reports of the Senate Foreign Relations Committee contained statements to the effect that such treaties did not touch upon any question of copyright.

I would appreciate your advice as to whether my understanding is correct that the recently signed treaty of Friendship, Commerce and Navigation with Japan also does not relate in any way to copyright matters.

Sincerely yours,

Arthur Fisher
Arthur Fisher
Register of Copyrights

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DEPARTMENT OF STATE
THE LEGAL ADVISER

June 17, 1953

TO : The Secretary
THROUGH: S/S
FROM : Mr. Tate

SUBJECT: Report to the President and the President's message for transmission to the Senate of the treaty of friendship, commerce and navigation between the United States and Japan, signed at Tokyo April 2, 1953.

DISCUSSION:

The underlying report to the President and message from the President to the Senate have been prepared with the object of transmitting to the Senate for advice and consent to ratification the treaty of friendship, commerce and navigation between the United States and Japan, signed at Tokyo on April 2, 1953.

The treaty, which was envisaged by Article 12 of the Treaty of Peace with Japan, is basically similar to treaties of friendship, commerce and navigation now in force between the United States and various other countries. It is believed that the present treaty creates a legal framework within which business, trade, and other economic relations between the United States and Japan may develop effectively and to the mutual advantage of the two countries.

Senator Hickenlooper, chairman of the subcommittee of the Senate Foreign Relations Committee appointed to study the treaties of friendship, commerce and navigation pending in the Senate, has been in general opposition to treaty provisions which remove the requirement of citizenship for the practice of professions, as does this one. This opposition is directed primarily at, but is not limited to, the practice of law and is apparently based mainly upon strong objections by influential members of the American Bar Association to the treaty provisions which remove the requirement of citizenship for the practice of law. On June 16 Mr. Phleger, Mr. Morton, and Mr. Waugh appeared before Senator Hickenlooper's

subcommittee

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subcommittee with a view to obtaining action on the pending treaties by agreeing, if necessary, to a reservation respecting the provisions in each of those treaties on the practice of professions. As adapted to the Japanese treaty the reservation would read as follows:

Resolved (Two-thirds of the Senators present concurring therein)

That the Senate advise and consent to the ratification of Executive _____, 83d Congress, 1st Session, a treaty of friendship, commerce, and navigation between the United States and Japan, signed at Tokyo on April 2, 1953, subject to the following reservation, which shall be agreed to by the other high contracting party before ratifications are exchanged:

Article VIII, Paragraph 2, shall not extend to professions which, because they involve the performance of functions in a public capacity or in the interest of public health and safety, are state-licensed and reserved by statute or constitution exclusively to citizens of the country, and no most-favored-nation clause in the said treaty shall apply to such professions.

On June 17 Mr. Hickenlooper telephoned the Legal Adviser's office that the reservation is acceptable.

RECOMMENDATION:

That you sign the report to the President.

CONCURRENCES:

L/T, L/E, EDT:CP, E, NA, FE, H, L/FE.

ATTACHMENTS:

Report to the President.
Message to the Senate for signature by the President.
Treaty of friendship, commerce and navigation, with
protocol, signed at Tokyo April 2, 1953.

8558

DEPARTMENT OF STATE
THE LEGAL ADVISER

June 17, 1953.

TO : S/S
FROM : L/T
SUBJECT: Treaty of friendship, commerce and
navigation with Japan.

Please date the printer's copies of the
Secretary's report to the President and insert
the Secretary's name.

C2B
Charles I. Bevans
Assistant for Treaty Affairs

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